

REMARKS

Claims 1-17 are pending in this application. By this Amendment, claim 1 and 8 are amended for form and/or for antecedent basis. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration, as the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Claims 1-17 are rejected under 35 U.S.C. §112, first paragraph. The rejection is respectfully traversed.

The Office Action asserts that "[w]hile there is support in the present specification to recite that the projecting portion or portions are formed on a specific layer, i.e., the outer layer, there is no support to broadly recite that the projecting portion or portions are formed on "another layer," which encompasses any layer present including those which are not the outer layer" (see Office Action, page 3). This assertion is respectfully traversed.

Claim 1 recites "another layer laminated on a substrate layer that makes up a main body of said tube, wherein a projecting portion or portions extending all the way down the tube in an axial direction is/are formed on said another layer," and thus recites structural details of the recited "another layer" such that "any layer present including those which are not the outer layer" would not read upon this detailed structure. Further, at least paragraphs [0042] and [0043] of Applicant's specification provide support for the claimed another layer.

Claims 2-17 are rejected only for their dependency on independent claim 1. Therefore, claims 2-17 also satisfy the requirements of 35 U.S.C. §112, first paragraph. Applicant thus respectfully requests withdrawal of the rejection.

Claims 1-17 are rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Regarding the rejection of claim 1, the term "predetermined width" has been canceled, thus obviating the rejection.

Regarding the rejection of claim 8, by this Amendment, claim 8 is amended responsive to the rejection. Applicant thus respectfully requests withdrawal of the rejection.

Applicant thus respectfully requests withdrawal of the rejection.

Claims 1, 3-5, 8, 10-12, 14, 16 and 17 are rejected under 35 U.S.C. §102(b) over Hatayama et al. (JP 61-008544). The rejection is respectfully traversed.

Hatayama does not teach or render obvious every claimed feature of independent claim 1. Hatayama does not teach or render obvious "a projecting portion or portions extending all the way down the tube in an axial direction is/are formed on said another layer," as recited in independent claim 1.

The Office Action asserts that the relief pattern 22 of Hatayama corresponds to the claimed projecting portion (see Office Action, page 4). However, the relief pattern 22 of Hatayama does not have any projections, but rather is comprised solely of indentations (see Figs. 1, 3 and 4 of Hatayama). Moreover, the outer-most part of the relief pattern 22 of Hatayama does not extend beyond the outer layer of the tube container and thus does not provide the same advantages as the invention claimed in independent claim 1 (see Fig. 3 of Hatayama). Therefore, Hatayama does not teach or render obvious the claimed projecting portion of independent claim 1.

Therefore, for at least these reasons, independent claim 1 is patentable over Hatayama. Claims 3-5, 8, 10-12, 14, 16 and 17, which depend from independent claim 1, are also patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejection.

Claims 1, 3-5 and 15 are rejected under 35 U.S.C. §102(b) over Redmond (U.S. Patent Application Publication No. 2001/0030192). The rejection is respectfully traversed.

Redmond does not teach or render obvious every claimed feature of independent claim 1. Redmond does not teach or render obvious "a projecting portion or portions extending all the way down the tube in an axial direction is/are formed on said another layer," as recited in independent claim 1.

The Office Action asserts that Fig. 9B discloses the claimed projecting portion (see Office Action, page 6). However, Fig. 9B of Redmond merely relates to a pouch container with a seam formed by the respective front and back portions of the pouch. The alleged projecting portion of Redmond does not project from another layer but, as agreed by the Office Action on page 13, is merely an end seal of the front and back portions of the package (see Fig. 9B of Redmond). Therefore, Redmond does not teach or render obvious the claimed projecting portion of independent claim 1.

Therefore, for at least these reasons, independent claim 1 is patentable over Redmond. Claims 3-5 and 15, which variously depend from independent claim 1, are also patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejection.

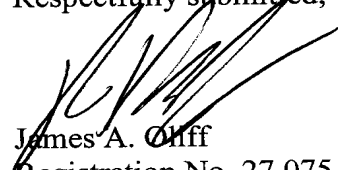
Claims 6, 7 and 13 are rejected under 35 U.S.C. §103(a) over Hatayama; claim 2 is rejected under 35 U.S.C. §103(a) over Hatayama in view of Haefner et al. (U.S. Patent No. 3,940,001); and claim 9 is rejected under 35 U.S.C. §103(a) over Hatayama in view of Kincaid (U.S. Patent No. 4,196,825). The rejections are respectfully traversed.

Haefner and Kincaid do not remedy the above-described deficiencies of Hatayama and Redmond. Further, claims 2, 6, 7, 9 and 13 depend from independent claim 1. Therefore, claims 2, 6, 7, 9 and 13 are also patentable over the applied references for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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